REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of July 30, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies, or credit any overpayments to Deposit Account 50-0951.

Claims 1-6, 8-14, 16, 17, 21-30, and 32-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,549,612 to Gifford, *et al.* (hereinafter Gifford), in view of U.S. Patent 6,857,008 to Shenefiel (hereinafter Shenefiel), and further in view of U.S. Patent 5,937,160 to Davis, *et al.* (hereinafter Davis). Claims 7, 15, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and Davis, and in further view of U.S. Patent 5,937,162 to Funk, *et al.* (hereinafter Funk). Claims 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,680,551 to Martino, II (hereinafter Martino), in view of Gifford and in further view of Davis. Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and Martino, and in further view of Davis.

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. Applicants respectfully note, however, that neither the amendments nor cancellation of claims are intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 10, 21, 30, 41, and 44 have been amended to further emphasize certain aspects of the invention. The claim amendments, as discussed below, are fully supported throughout the Specification. (See,

e.g., Specification, p. 11, lines 5-19.) No new matter has been introduced by virtue of any of the claim amendments presented.

Certain Aspects Of Applicants' Invention

Among the features recited in each of independent Claims 1, 10, 21, 30, 41, and 44 is the establishment of a voice communications link between two nodes of a network. More particularly, as explicitly recited in each of the independent claims, the voice communications link is established by an executable voice communications link program code, which has been embedded within a voice communications identifier. The program code, which comprises a binary representation of a compiled object, is configured to execute within the receiving node so as to establish a voice communications link for transmitting and receiving voice communications over a voice-based communications network. (See, e.g., Specification, p. 11, lines 5-19.) Accordingly, the code establishes the communication link, and once the link is established, both the sending node and the receiving node can each transmit to and receive from the other directly voice communications.

The Claims Define Over The References

Applicants respectfully maintain that no combination of the various references cited in the Office Action teaches or suggests every feature recited in the claims. For example, none of the references, alone or in combination, suggest or teach each feature recited with respect to establishing a voice communication link.

establishing a voice communication link

Specifically, none of the references teaches or suggests embedding executable program code in a voice communications identifier that executes within the receiving node to establish a voice communications link, as taught by Applicants' invention. At

page 3 of the Office Action it is stated that this feature is disclosed by Gifford. In portions cited in the Office Action, Gifford describes the sending of an e-mail message that includes "interaction controls:"

> Accordingly, when a UC server sends an e-mail to a subscriber, the e-mail contains interaction controls (e.g., buttons or Universal Resource Links (URLs)) which give the subscriber the ability to interact with server side communication functions (e.g., perform conference calling and message retrieval). The interaction controls are sent with the e-mail as part of an HTML, WML or XML document which is attached to the e-mail (e.g., as a MIME attachment) in the form of a graphical user interface. The actual voice, fax, or video message is preferably stored on the server computer until the user requests it. On the other hand, a message can be attached to the e-mail so that it is downloaded with the HTML or WML document to the subscriber's computer. (Gifford, Col. 6, lines 25-37.) (Emphasis supplied.)

Applicants respectfully note that the clear implication of the quoted language is that Gifford's interaction controls are simply the buttons of an interface or URLs. Moreover, the interaction controls do not establish a two-way communications channel, but rather merely enable a client to request a message that is already stored on a server computer. Two users can not be thought of as communicating when only one user is involved, who utilizes a client only to retrieve documents from a server. More fundamentally, as explicitly described by Gifford, the interaction controls are part of an HTML, WML or XML document. The fact that the interaction controls are written as an HTML, WML or XML document, however, obviates any suggestion that the interaction controls are executable program code for establishing a communications link. As well-

known within the art, markup languages such as HTML, WML, and XML are languages for presentment of a file – that is, the manner in which the display or other presentation is structured – and not executable code that could establish a two-way communication link of the type recited in the claims. Specifically, a markup language specifies code for formatting a file in terms of its layout and style. (See, e.g., www.webopedia.com.) Indeed, many computer scientists do not even consider a markup language to be a programming language in the true sense. (See, e.g., R. W. Sebesta, *Concepts of Programming Languages*, Addison-Wesley, fifth edition, 2002.) Certainly, Gifford's use of a markup language belies any inference that the interaction controls are embedded code for establishing a communications link.

This distinction is highlighted by the other portions of Gifford cited in the Office Action. For example, in one portion, it is apparent that Gifford does not contemplate establishing a two-way communication link – voice or otherwise – but rather only with providing a mechanism whereby a client can obtain certain types of messages stored on a remote server:

> Turning now to FIG. 2, FIG. 2 shows an exemplary embodiment of a user interface according to the present invention. This user interface, and its server side components provided by a UC server, provide unified communication services including:
>
> Playback and viewing of voice, fax, and video messages.
>
> Placing phone or video calls directly from the interface.
>
> Forwarding the received message to one or more parties.
>
> Managing and setting up a phone or video conference.
>
> Configuring and Setting-up a user's account through the interface.
>
> Accessing a user's World Wide Web information.

> Displaying system and account status within the interface in a timely fashion.
>
> Carrying current or up-to-date information independent of when a message was actually sent. (Gifford, Col. 5, line 65 – Col. 6, line 15.)

Neither playing back messages nor forwarding messages comprises any type of communications in the correct sense of the term. Nor does accessing World Wide Web information or displaying an account status.

the cited portions far from establishing that Gifford discloses Applicants' invention instead reveal how different Gifford is from Applicants' invention

What is more important, however, is the manner in which Gifford places "phone or video calls." When read in context of the entire reference, the cited portions far from establishing that Gifford discloses Applicants' invention instead reveal how different Gifford is from Applicants' invention. Gifford's "unified communications services," noted at pages 22-23 of the Office Action, expressly rely on the explicit interaction of a client *and* a separate server to effect the placement of calls:

> If a user wants to place a phone or video call, he/she can do so in at least two different ways using the embedded interface.
>
> (1) The user enters a call back phone number and a target phone number in the interface. The entered number is sent to the UC server which calls back (using the public switched telephone network (PSTN)) the user at the entered call back phone number. After the user answers the call, the UC server then calls the other party at the target phone number. In effect, the call established by the UC server

is a private two way teleconference. This method, however, requires separate or independent data and voice connections.

(2) The user enters a phone number and then a local client program actually sets up a voice connection with the UC server to route the call from the PSTN switch on the server to the client via the network connection that the computer is using. This alleviates the need for the user to have a separate phone or video calling device when trying to make a phone or video call. The user's computer becomes the conduit for communicating with the other party.

Calling services 202 which can be provided through a user interface:

1) Return call--The user receives an e-mail message containing a user interface that indicates that the user missed a call and was left a voicemail. The user then clicks on a button, to call back the party. Clicking the button causes the interface to send a request to the web server 410 thereby invoking the "return call" Call Service 402 CGI script. If caller ID was available when the messaging service recorded the missed call, the messaging service will have captured the number of the calling party. Thus, the number can be passed to the "return call" Call Service 402 CGI script. If caller ID was not available, the subscriber is prompted to enter the number to use to call back. The number can be selected from the interfaces phone book or entered manually. The CGI script will make a request to the Enhanced Service Platform to create a two-way call between the subscriber and the party that left the voice message. In the PSTN-to-PSTN case, the Enhanced Services platform will call the subscriber first. Upon connecting, successfully, the Enhanced Services platform calls the party that left the voicemail message. If the called party

picks up, the call is bridged between the subscriber and the called party. The return call can also be carried out using the Internet Telephony (IT)-to-PSTN Gateway, when provided on the Enhanced Services Platform.

2) Place a Call--The sequence for placing a call is similar to the sequence for returning a call. The user clicks on the "Place a call" button on the user interface. The subscriber indicates the number to be called by using his/her phone directory or entering the number manually. When the button is clicked, the "dial" Call Services CGI 402 script is invoked. The CGI script makes a request to the Enhanced Services Platform to create a two-way call between the subscriber and the phone number that was entered. This call can be carried out PSTN-to-PSTN or IT-to-PSTN.

3) Call Me back now--When a "call me" button is clicked on the user interface embedded in the enhanced e-mail, the Call Services CGI 402 script makes a request to the Enhanced Services Platform to call the subscriber at a number entered/selected by the subscriber. When the subscriber answers the call, the Enhanced Services Platform prompts the subscriber to enter his/her Personal Identification Number (PIN). On successfully entering a valid PIN, the subscriber can use all the DTMF features available with the enhanced services to which he/she has subscribed.

4) Listen by Phone--Similar to the "Call me back" option, the interface includes a "Listen by Phone" button. When that button is clicked, the Call Services CGI 402 script makes a request to the Enhanced Services Platform to call the subscriber at a number entered/selected by the subscriber. The request includes the message

ID of the message that was displayed when the user clicked the button. When the subscriber answers the call, the Enhanced Services Platform plays, to the subscriber, the voicemail message corresponding to that message ID.

5) Phone Conference--A conference between two or more people, may also be initiated via the interface. The teleconference may either be conducted over the PSTN or over the Internet (e.g., using voice over IP). When the conference button is clicked, a conference user interface will be presented to the subscriber. The conferencing user interface uses the "conference" Call Services CGI 402 script to create and carry out the conference with at least one person. The "conference" Call Services CGI 402 script creates a conference, deletes a conference, adds conferees, and drops conferees via the "conference gateway". The conference gateway uses the Enhanced Services Platform to interface with the PSTN (using a Telephony Switch or a Programmable Switch Matrix (PSM)) or the IT-to-PSTN Gateway. The IT-to-PSTN Gateway interfaces with the PSTN using the PSM. Additional details of how to set up an N-way phone conference by either linking to such a service or by providing such capabilities directly in the Enriched E-mail message are described in co-pending application Ser. No. 08/806,986, filed Feb. 26, 1997, entitled "Personal Web-Based Teleconferencing Method and System." (Gifford, Col. 9, line 52 – Col. 11, line 23.) (Emphasis supplied.)

Applicants respectfully point out that in every one of the different calling operations performed by Gifford, the interface provided is an interface with a server or

"Services Platform." With Gifford, it is the server or platform that establishes a call. This is the very situation that Applicants' invention avoids. With Applicants' invention, as explicitly recited in the claims, the voice communications channel is established by embedded program code that operates at an end point of the communications channel. No intermediate server or platform is used since the code executes in the device at the end point of the communications channel.

Applicants respectfully submit that when Gifford is read in its entirety, it is apparent that the reference, with respect to establishing a voice communications link, teaches exactly the opposite of Applicants' invention. Moreover, none of the other cited references, alone or in combination, teach or suggest the features lacking in Gifford. Shenefiel is cited only for disclosing a voice communication identifier. But Shenefiel, like Gifford, does not disclose a technique or mechanism for establishing a voice communications link with embedded code that executes in an end node device without the cooperative functioning of an intermediate server or platform. Shenefiel only retrieves files from a server. (See, e.g., Shenefiel, Col. 7, lines 19-60.) Davis, which is cited only with respect to disclosing a binary representation, likewise fails to disclose those features lacking in the other references regarding establishing a voice communications link.

Accordingly, no combination of cited references teaches or suggests every feature recited in independent Claims 1, 10, 21, 30, 41, and 44. Applicants respectfully submit, therefore, that Claims 1, 10, 21, 30, 41, and 44 each define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claim 1, 10, 21, 30, 41, or 44 while reciting additional features, each of the dependent claims likewise defines over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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